IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

-

WRIT PETITION NO : 11635 of 2004

Between:

M.Stalin, s/o Nagaih Varma, aged 39 years,
Gram Panchayat, Thokathippa, West Godavari District.

..... PETITIONER

AND

1 The Commissioner of PR & RE, Himayatnagar, Hyderabad.
2 The District Collector (PW), Eluru, West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus declaring the Proceedings No.9527/CPR&RE/H6/2001 dt.23-03-2004 and the Proceedings No.9527.B/CPR&RE/H6/2001 dt.23-03-2004 issued by the 1st respondent as illegal, arbitrary, capricious and against to principles of natural justice.

Counsel for the Petitioner :MR.T.S.VENKATARAMANA, Advocate

Counsel for the Respondent : GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court at the admission stage made the following :

ORDER:

As against the Proceedings Nos.9527/FPR&RE/H6/2001 and 9527.B/CPR&RE/H6/2001 dated 23.3.2004 passed by the first respondent directing the second respondent to take action for recovery of surcharge amount from the petitioner for the alleged financial irregularity, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Panchayat Raj.

The learned Government Pleader submits that as per G.O.Ms. No.190 PR & RD (Pts.I) dated 23.5.1997 and under Rule 6 (1) (b) of Audit, Surcharge, Disallowance and Appeals Rules an appeal is provided to the Government against the orders of the Commissioner of Panchayat Raj and Rural Development.

Since the petitioner has got an effective alternative remedy of appeal against the impugned order before the Government, I deem it appropriate to dispose of the writ petition with the following direction:

The petitioner is directed to avail the alternative remedy of appeal to the Government under the said Rules within a period of two weeks from today. Till such time, the impugned order stands suspended. No costs.

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N.V. RAMANA, J.

09th July, 2004.

YS

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Commissioner of PR & RE, Himayatnagar, Hyderabad.
2 The District Collector (PW), Eluru, West Godavari District.

3 Two CCs to the GP for Panchayat Raj, High Court Buildings,Hyderabad

(OUT)

4 Two CD copies.